REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed May 11, 2007. Claims 1-37 are pending in this Application Claims 1-12 and 21-33 were previously withdrawn due to an election/restriction requirement. Claims 13-20 and 34-37 stand rejected under 35 U.S.C. § 103(a). Claim 37 has been amended to correct a typographical error. Applicants respectfully request reconsideration and favorable action in this case.

Status of Claims

The Office Action states, "Claims 1-12 and 21-33 have been cancelled and will not be considered for further prosecution." (Office Action, Page 2). However, Claims 1-12 and 21-33 were marked with the status identifier of "Withdrawn" in the Response to Election Restriction Requirement filed April 19, 2007, in accordance with M.P.E.P. § 714 (II)(C)(A), which provides that Applicants may mark non-elected claims with the status identifier of "Withdrawn." Additionally, 37 CFR § 1.142(b) provides for claims to be withdrawn "subject however to reinstatement in the event the requirement for restriction is withdrawn or over-ruled." Accordingly, Applicants respectfully request that the Examiner mark Claims 1-12 and 21-33 as "Withdrawn" as so marked in the earlier and current responses.

The Examiner also states that "[t]he newly added Claim 37 should be cancelled because it is a duplicate of Claim 35". (Office Action, Page 2). Applicants have amended Claim 37 so that it is no longer a duplicate of Claim 35. Accordingly, Applicants respectfully request reconsideration and full allowance of Claim 37.

Rejections under 35 U.S.C. § 103

Claims 13-20, 34, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,537,669 issued to David M. Evans et al. ("*Evans*") in view of U.S. Patent No. 4,725,142 issued to Mark Sharnoff ("*Sharnoff*").

Claims 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans* in view of *Sharnoff* and in further view of U.S. Patent No. 6,628,845 issued to Harold S. Stone et al. ("*Stone*").

Evans discloses a hybrid technique for finding defects on digitized device images using a combination of spatial domain and frequency domain techniques. (Col. 2, lines 57-60). The two dimensional spectra of two images are found using Fourier-like transforms. (Col. 2, lines 60-61). Any strong harmonics in the spectra are removed, using the same spectral filter on both spectra. (Col. 2, lines 61-63). The images are then aligned, transformed back to the spatial domain, then subtracted. (Col. 2, lines 63-64).

Sharnoff discloses a technique for the study of strains imposed by stress utilizing differential holography. (Col. 1, lines 26-37).

Claim 13 and 17 each recite a method for registering holographic images including "calculating a confidence value based on [a] magnitude operation."

Applicants respectfully submit that there is no motivation, teaching, or suggestion in the cited art to combine references. In addition, even assuming *arguendo* that the combination of *Evans* and *Sharnoff* is proper (which Applicants do not concede), Applicants submit that the combination of *Evans* and *Sharnoff* fails to teach, disclose or suggest all of the elements of the claimed embodiment of the invention. Specifically, *Evans* and *Sharnoff*, alone or in combination, fail to teach, disclose or suggest a method for registering holographic images including "calculating a confidence value based on [a] magnitude operation," as recited by Claims 13 and 17.

In rejecting Claims 13 and 17, the Examiner alleges that elements 14 and 14' and Col. 21, lines 48-53 of *Evans* discloses a method for registering holographic images including "calculating a confidence value based on [a] magnitude operation." (Office Action, Pages 3 and 5). However, the portion of *Evans* cited by the Examiner merely discloses that:

> [A combined image] provide[s] the defects which are presumed to be the differences between FOV1 and FOV2. From that point the resulting defect list from **FIG. 9b** is combined with those from blocks **14** and **14'** of **FIG. 1**, and as discussed above, to generate the complete defect list for the two images.

(Col. 21, lines 48-53) (emphasis in original).

Thus, the cited portion *Evans* merely teaches generating defect lists for two images. However, the cited portion of *Evans*, in addition to the remainder of *Evans*, fails to disclose the calculation of a confidence value, much less a confidence value calculated based on a magnitude operation. Therefore, *Evans* fails to teach or suggest "calculating a confidence value based on [a] magnitude operation," as recited in Claims 13 and 17. For at least these reasons, Applicants respectfully submit that Claims 13 and 17 are not rendered obvious by the combination of *Evans* and *Sharnoff*.

Given that Claims 14-16 and 34-35 depend from Claim 13 and Claims 18-20 and 36-37 depend from Claim 17, Applicant submits that Claims 14-16, 18-20 and 34-37 are also allowable. As such, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) and full allowance of Claims 13-20 and 34-37, as amended.
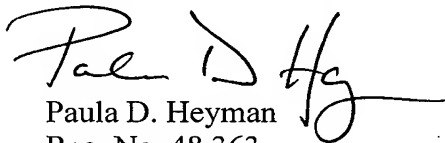
CONCLUSION

Applicants appreciates the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for examination and allowance. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 13-20 and 34-37, as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

Paula D. Heyman
Reg. No. 48,363

Date: August 13, 2007

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2581
512.322.8383 (fax)